

As I sit and listen to what is going to happen with the Sunshine Law, it makes you wonder about our fundamental freedoms. As we tout we are the land free and we are responsible for knowing what is going on in our country, how can we expect citizens to be informed when we close off communications to them. As we think about our voting process, we are voting for a person to represent our point of views. How do we know that person is doing that if they are legally allowed to hide that point of view from us?

As citizens of Iowa, we want to address views that Iowan are proud of, this would be our family values. Family is not just today, family is tomorrow and yesterday. Family is more than a brother and sister, it is aunts and uncles, cousins and grandparents, and all that carry the same blood that we carry.

As you look through the rules of obtaining a vital record, we have to be a family member to obtain a record, it is more specific and states this under county records,

“To secure a copy of a record from the county-of-event, applicant must have direct and tangible interest in the record. In other words, you must be the registrant (person named on the record) or have a lineal relationship to the registrant, such as a legal parent, grandparent, spouse, brother, sister, child, legal guardian, or legal representative. All requests, or applications, for each certificate must be in writing and include purpose for certificate.”

To follow that up, you go down to the next paragraph and it states specifically that you have to have the same requirements for the state record.

If you go to IC 726.2 Incest

“A person, except a child as defined in section 702.5, who performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. Incest is a class "D" felony.”

By no means do we encourage the change of the law, 726.2, however, we want you to look at the relationships and the reasoning of the two quotes side by side. Why would the state say we could not marry blood because of closeness of relationship, aunt, uncle, cousin, niece nephew and so on, but we cannot have their vital records, because we are not close enough? We feel this is a contradiction of definitions. Sometimes the records we want are of the next closest kin, if the government official did not fulfill their duty and completely fill out the vital records form or ensure information was correct on the person we are looking for.

When you go to a family reunion, when was the last time you went to one and there were no family members outside your immediate family? This is the first part of the vital records laws that we need opened, family is family, Iowa needs to be consistent with the definition.

Next, we would like to address the timeline for these open records.

With today's technology, anybody can find nearly anything they want on anybody they want through the internet. These records are freely published and shared through the internet. These records are even being purchased by large companies and profits are being made off of these records, yet we have trouble obtaining them from the State of Iowa ourselves. We wonder what the logical thinking is behind the rulings that a record must be secured for so many years. We want logical reasoning for this closed time period, not just a random number of years such as 75 years.

With death records being our first area, it is nearly impossible to obtain one through the office of Jill France. The consistency of obtaining these records is non-existent. First off, why does she need to know that we need a record for genealogical purposes? The next step once that is found, is that the record goes to the bottom of the stack and is found if they feel like finding this certificate at a later date. When a request is returned stating not found, you have to wonder when you go to the historical society and find it, did they really want to look for it, you tell me.

With today's technology, many people are curious in their genetics and health background, this is found through genealogical research, this is a legitimate reason for having these records available to us in a reasonable amount of time and in a respectable manner, but the Department of Vital Records does not see this.

The Office of Vital Records has blamed Legislation from keeping the office from moving forward and keeping up with technology stating that it does not allow the office to digitize records, and database these records, which is more efficient in the work environment as far as time and money and more effective for families researching their histories. Jill France has quoted IC 144.43 stating it restricts her office from performing such tasks creating this more effective storage plan. In reading you will see that it only restricts her from creating a proprietary program that would not allow counties access to these records.

75 years is too long for any family researcher to wait for their family member's record. If they are lucky, they will have a family member that knows a family member that has one and so on. If not, 75 years is a long wait, if you were an only child late in life, this could really be difficult. If my parents die when I am 10, I have to wait 75 years to obtain a certificate? I will be dead by then. However, for those of us that think this law is not broken, think clearly what happens upon death. The funeral home will get you as many copies as you want upon the death of this individual, I do not even have to be a family member by blood. So when are these records closed after death, why are they available for 10 days, but not 10 years later. If you read the law, upon death, we are not allowed to have these vital records for 75 years, but we receive as many copies as we want from the funeral home. Why are they open for the first few days after death, then closed for 75 more years?

Most loose ends left upon the death of a person are tied up within a short period of time, 10 years is plenty of time to have death records closed. Even the most vital piece of information on that death record, your SSN is given out by the SSA after a few weeks.

There is more information found in an obituary today than there is a death certificate. Are we as a state going to make obituaries illegal?

Onto marriage records, these records are published in the newspapers around our state. We know who has married, when they married, and depending on the size of the newspaper and or article, this could state the names of the wedding party and family members to where the marriage is if it is printed ahead of time.

There is not much that you may receive from the record that cannot be found in the newspaper. There are societies that presently collect these newspaper articles along with birth and death notices to fill voids in society records.

As far as birth records, often the same information can be found in a newspaper through birth announcements or obituaries if they pass away. However, nothing can cover for the respect of the living, so we propose that you continue to respect their privacy and leave birth records closed for 100 years, this would give 20 years to the life expectancy of a person and then a little.

As far as marriage records, there is no information that should be withheld from viewing. There is nothing in the record that cannot be found in other places such as a newspaper.

All in all, we ask you to use a little common sense and think of other places you can find this information to some degree. There are parts, such as family names and dates that are important to family researchers, these names and dates lead to other family members, these are what genealogists seek. We will state once again that these records could be more easily tracked, found, protected, and shared if these records were digitized and database. In a database form you could share limited information and printed a report that fits the needs of the person requesting the form and redacting the information that is deemed private still. There are many other benefits for the state if requiring records to be digitized. Time and money saved in the office for researching and available space is freed because the records need not be stored onsite physically, this does not mean the records have to be distributed over the internet, require the request in office still. There is no such thing as a secured website. It is like a lock, it will only keep the honest people out.

We would also state that you could require a certification for researchers and once certified, the researcher could obtain the vital records, and it will be tracked through their certification number. However, these certifications will require training and fees, adding revenue to the state as well.

Thank you for any and all considerations.

Dennis Allen
2nd VP Iowa Genealogical Society